

1 AN ACT relating to traffic control signal monitoring systems and making an
2 appropriation therefor.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
5 READ AS FOLLOWS:

6 *As used in Sections 1 to 4 of this Act:*

7 *(1) "Agency" means the law enforcement agency primarily responsible for traffic*
8 *control at a particular intersection or that law enforcement agency's designee;*

9 *(2) "Owner" means the registered owner of a motor vehicle or a lessee of a motor*
10 *vehicle under a lease of six (6) months or more, but shall not include a motor*
11 *vehicle rental or leasing company or holder of a motor vehicle dealer plate issued*
12 *under KRS 186.053;*

13 *(3) "Recorded images" means images recorded by a traffic control signal monitoring*
14 *system:*

15 *(a) On two (2) or more photographs, microphotographs, or electronic images,*
16 *or on videotape or any other medium; and*

17 *(b) Showing the rear of a motor vehicle, and on at least one (1) image or*
18 *portion of tape, clearly identifying the registration plate number of the*
19 *motor vehicle; and*

20 *(4) "Traffic control signal monitoring system" means a device with one (1) or more*
21 *vehicle sensors working in conjunction with a traffic control signal to produce*
22 *recorded images of a motor vehicle entering an intersection against a red signal*
23 *indication.*

24 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
25 READ AS FOLLOWS:

26 *(1) Unless the operator of a motor vehicle received a citation from a police officer at*
27 *the time of the violation, the operator of a motor vehicle is subject to a civil*

1 penalty of fifty dollars (\$50) if the motor vehicle is recorded by a traffic control
2 signal monitoring system while being in violation of subsection (2) of Section 5 of
3 this Act.

4 (2) Forty-five dollars (\$45) of the revenue generated from a civil penalty for traffic
5 control signal monitoring system violations shall be retained by the local
6 government and five dollars (\$5) shall be sent to the Administrative Office of the
7 Courts.

8 (3) To carry out the purposes of this section, the Administrative Office of the Courts,
9 in consultation with the Transportation Cabinet, shall prescribe a uniform civil
10 citation form, which shall include:

11 (a) The name and address of the registered owner of the motor vehicle;

12 (b) The name and address of the operator of the motor vehicle, if different from
13 the owner;

14 (c) The violation charged;

15 (d) The date and time of the violation;

16 (e) The location of the intersection;

17 (f) The amount of the civil penalty imposed and the date by which the civil
18 penalty should be paid;

19 (g) Information advising the person alleged to be liable under this section as to
20 the manner and time in which the citation may be contested in District
21 Court; and

22 (h) A warning that failure to pay the civil penalty imposed or to contest the
23 matter in a timely manner is an admission of liability and shall result in the
24 suspension of the registration of the motor vehicle.

25 (4) An agency shall mail to the owner of a motor vehicle liable under subsection (1)
26 of this section, or other person identified as operating the motor vehicle:

27 (a) A uniform civil citation as described in subsection (3) of this section;

- 1 (b) A copy of the recorded image; and
- 2 (c) A signed, sworn statement by a technician employed by the agency that,
- 3 based on inspection of recorded images, the motor vehicle was being
- 4 operated in violation of subsection (2) of Section 5 of this Act. This
- 5 statement may be admissible in any proceeding alleging a violation under
- 6 this section.
- 7 (5) An agency may mail a warning notice instead of a citation to the owner of a
- 8 motor vehicle liable under subsection (1) of this section.
- 9 (6) Except as provided for in subsection (2) of Section 3 of this Act, a citation shall
- 10 be mailed no later than fourteen (14) days after the alleged violation.
- 11 (7) A person who received a citation under this section may:
- 12 (a) Pay the civil penalty in accordance with the instructions on the citation
- 13 directly to the District Court; or
- 14 (b) Elect to stand trial for the alleged violation.

15 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO

16 READ AS FOLLOWS:

- 17 (1) The court may consider in defense of a violation under Section 2 of this Act, that:
- 18 (a) The operator of the motor vehicle passed through the intersection in
- 19 violation of subsection (2) of Section 5 of this Act in order to yield right-of-
- 20 way to an emergency vehicle, at the direction of a peace officer, or as part of
- 21 a funeral procession;
- 22 (b) The motor vehicle or the motor vehicle registration plates were stolen before
- 23 the violation occurred and were not under the control or possession of the
- 24 owner at the time of the violation;
- 25 (c) Section 2 of this Act is not enforceable because at the time and place of the
- 26 violation, the traffic control signal was not in the proper position and
- 27 discernible enough to be seen by an ordinarily observant individual; and

1 (d) The person named in the citation was not operating the motor vehicle at the
 2 time of the violation. A person named in a citation who uses this defense
 3 shall identify who was operating the motor vehicle at the time of the
 4 violation, including, at a minimum, the operator's name and address.

5 (2) If the District Court finds that the person named in the citation was not operating
 6 the motor vehicle at the time of the violation, the clerk of the District Court shall
 7 provide to the agency issuing the citation a copy of any evidence substantiating
 8 who was operating the motor vehicle at the time of the violation. Upon receipt of
 9 substantiating evidence from the District Court, the agency may issue a citation
 10 under Section 2 of this Act to the person the evidence indicated was operating the
 11 motor vehicle at the time of the violation. The agency shall issue the citation
 12 within fourteen (14) days of receipt of the evidence from the District Court.

13 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
 14 READ AS FOLLOWS:

15 (1) If a person refuses to pay the civil penalty imposed under Section 2 of this Act
 16 and does not contest the violation, the Transportation Cabinet shall suspend the
 17 registration of the motor vehicle, when notified by the District Court, until the
 18 civil penalty is paid.

19 (2) A violation under Section 2 of this Act shall not result in points assessed against
 20 the driving record of the operator of the motor vehicle in violation.

21 ➔Section 5. KRS 189.231 is amended to read as follows:

22 (1) The secretary of transportation may install and maintain traffic control devices upon
 23 state-maintained highways in such manner as is reasonably necessary to promote the
 24 safety and convenience of the traveling public.

25 (2) The driver of any vehicle shall obey the instructions of any official traffic control
 26 device applicable thereto unless otherwise directed by a traffic or police officer,
 27 subject to the exceptions granted the driver of an authorized emergency vehicle.

1 (3) The secretary of transportation may restrict or regulate traffic upon state-maintained
2 highways in such a manner as is reasonably necessary to promote the safety of the
3 traveling public.

4 **(4) Law enforcement agencies may use traffic control signal monitoring systems as**
5 **defined in Section 1 of this Act to enforce civil penalties for violation of**
6 **subsection (2) of this section.**

7 ➔Section 6. KRS 189.990 is amended to read as follows:

8 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
9 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
10 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
11 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS
12 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to
13 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,
14 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of
15 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor
16 more than one hundred dollars (\$100) for each offense. Any person who violates
17 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)
18 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not
19 more than one (1) year, or both, unless the accident involved death or serious
20 physical injury and the person knew or should have known of the death or serious
21 physical injury, in which case the person shall be guilty of a Class D felony. Any
22 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined
23 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court
24 costs nor fees shall be taxed against any person violating paragraph (c) of
25 subsection (5) of KRS 189.390.

26 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
27 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents

1 (\$0.02) per pound for each pound of excess load when the excess is five
2 thousand (5,000) pounds or less. When the excess exceeds five thousand
3 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of
4 excess load, but the fine levied shall not be less than one hundred dollars
5 (\$100) and shall not be more than five hundred dollars (\$500).

6 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
7 route designated on the permit shall be fined one hundred dollars (\$100);
8 otherwise, the penalties in paragraph (a) of this subsection shall apply.

9 (c) Any person who violates any provision of subsection (2) or (3) of KRS
10 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
11 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
12 another penalty is not specifically provided shall be fined not less than ten
13 dollars (\$10) nor more than five hundred dollars (\$500).

14 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
15 on a route designated in KRS 177.986 shall be fined one hundred dollars
16 (\$100).

17 2. Any person who operates a vehicle with a permit under KRS 177.985 in
18 excess of eighty thousand (80,000) pounds while operating on a route
19 not designated in KRS 177.986 shall be fined one thousand dollars
20 (\$1,000).

21 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
22 prejudice or affect the authority of the Department of Vehicle Regulation to
23 suspend or revoke certificates of common carriers, permits of contract
24 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
25 to 189.228 or any other act applicable to motor vehicles, as provided by law.

26 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
27 more than fifteen dollars (\$15).

- 1 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
2 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 3 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
4 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 5 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210
6 shall be fined not less than twenty-five dollars (\$25) nor more than one
7 hundred dollars (\$100).
- 8 (c) All fines collected under this subsection, after payment of commissions to
9 officers entitled thereto, shall go to the county road fund if the offense is
10 committed in the county, or to the city street fund if committed in the city.
- 11 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
12 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
13 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
14 each subsequent offense occurring within three (3) years, the person shall be fined
15 not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500)
16 or imprisoned not less than sixty (60) days nor more than six (6) months, or both.
17 The minimum fine for this violation shall not be subject to suspension. A minimum
18 of six (6) points shall be assessed against the driving record of any person
19 convicted.
- 20 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
21 (\$15) in excess of the cost of the repair of the road.
- 22 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
23 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 24 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
25 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 26 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
27 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned

- 1 not less than thirty (30) days nor more than twelve (12) months, or both.
- 2 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
- 3 five dollars (\$35) nor more than one hundred dollars (\$100).
- 4 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
- 5 Class B misdemeanor.
- 6 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
- 7 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 8 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
- 9 this section shall, in the case of a public highway, be paid into the county road fund,
- 10 and, in the case of a privately owned road or bridge, be paid to the owner. These
- 11 fines shall not bar an action for damages for breach of contract.
- 12 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
- 13 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
- 14 offense.
- 15 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
- 16 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 17 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
- 18 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. **A**
- 19 **civil penalty may be levied in accordance with Sections 1 to 4 of this Act on a**
- 20 **person who violates subsection (2) of Section 5 of this Act.**
- 21 (16) Any person who violates restrictions or regulations established by the secretary of
- 22 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
- 23 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
- 24 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
- 25 imprisoned for thirty (30) days, or both.
- 26 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
- 27 of a Class B misdemeanor.

- 1 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
2 case of violation by any person in whose name the vehicle used in the
3 transportation of inflammable liquids or explosives is licensed, the person
4 shall be fined not less than one hundred dollars (\$100) nor more than five
5 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 6 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
7 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
8 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
9 nor more than thirty (30) days.
- 10 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
11 unless the offense is being committed by a defendant fleeing the commission of a
12 felony offense which the defendant was also charged with violating and was
13 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 14 (20) Any law enforcement agency which fails or refuses to forward the reports required
15 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 16 (21) A person who operates a bicycle in violation of the administrative regulations
17 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
18 nor more than one hundred dollars (\$100).
- 19 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
20 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 21 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
22 dollars (\$25) nor more than three hundred dollars (\$300).
- 23 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
24 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
25 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
26 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
27 or any other additional fees or costs.

- 1 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
2 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
3 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).
4 This fine shall be subject to prepayment. A fine imposed under this subsection shall
5 not be subject to court costs pursuant to KRS 24A.175, additional court costs
6 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other
7 additional fees or costs. A person who has not been previously charged with a
8 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the
9 requirements of KRS 189.125. Upon presentation of sufficient proof of the
10 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 11 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
12 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
13 prepayment. A fine imposed under this subsection shall not be subject to court costs
14 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
15 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 16 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
17 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
18 be governed by KRS 534.020 and 534.060.
- 19 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
20 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
21 trial, by the court to a diversionary program. The diversionary program under this
22 subsection shall consist of one (1) or both of the following:
- 23 (a) Execution of a diversion agreement which prohibits the driver from operating
24 a vehicle for a period not to exceed forty-five (45) days and which allows the
25 court to retain the driver's operator's license during this period; and
- 26 (b) Attendance at a driver improvement clinic established pursuant to KRS
27 186.574. If the person completes the terms of this diversionary program

1 satisfactorily the violation shall be dismissed.

2 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
3 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
4 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
5 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
6 percent (90%) of the fine collected under this subsection shall immediately be
7 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
8 Ten percent (10%) of the fine collected under this subsection shall annually be
9 returned to the county where the violation occurred and distributed equally to all
10 law enforcement agencies within the county.

11 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars
12 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.

13 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
14 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
15 imposed under this subsection shall not be subject to court costs pursuant to KRS
16 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
17 KRS 24A.1765, or any other additional fees or costs.